

**REMARKS:**

Claims 1-28 are currently pending in the application.

Claims 1-28 stand rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,823,495 to Vedula, et al. ("*Vedula*").

The Applicant respectfully submits that all of the Applicant's arguments and amendments are without prejudice or disclaimer. In addition, the Applicant has merely discussed example distinctions from the cited prior art. Other distinctions may exist, and as such, the Applicant reserves the right to discuss these additional distinctions in a future Response or on Appeal, if appropriate. The Applicant further respectfully submits that by not responding to additional statements made by the Examiner, the Applicant does not acquiesce to the Examiner's additional statements. The example distinctions discussed by the Applicant are considered sufficient to overcome the Examiner's rejections. In addition, the Applicant reserves the right to pursue broader claims in this Application or through a continuation patent application. No new matter has been added.

A Final Office Action in the subject Application was mailed to the undersigned on 3 March 2007, which provided for a response period ending 3 June 2007. The Applicant filed an Amendment After Final on 22 May 2007, within two (2) months of the date of the Final Office Action. An Advisory Action was mailed to the undersigned on 6 June 2007. The Applicants respectfully reiterate here the arguments set forth in the Amendment After Final filed on 22 May 2007, as if fully set forth herein.

**REJECTION UNDER 35 U.S.C. § 103:**

Claims 1-28 stand rejected under 35 U.S.C. § 103(a) over *Vedula*.

The Applicant respectfully submits that the ***amendments to Claims 1-11, 17-19, 25-28 have rendered moot the Examiner's rejection of these claims and the Examiner's arguments in support of the rejection of these claims.*** The Applicant

further respectfully submits that amended Claims 1-11, 17-19, 25-28 in their current amended form contain unique and novel limitations that are not taught, suggested, or even hinted at in *Vedula*. Thus, the Applicant respectfully traverses the Examiner's obvious rejection of Claims 1-28 under 35 U.S.C. § 103(a) over *Vedula*.

### **Vedula Fails to Teach, or Suggest Various Limitations Recited in Applicant's Claims**

For example, with respect to independent Claim 1, this claim recites:

**An *electronic commerce system for translating between one or more schemas*, the system comprising:**

**a *global content directory* for providing a plurality of buyers access to one or more seller databases; and**

**a *schema translation tool* coupled to the global content directory, the schema translation tool comprising:**

**a mapping module operable to:**

**receive information regarding a source schema and a target schema, the source and target schemas each comprising a *taxonomy comprising a hierarchy of classes into which products may be categorized, wherein the target schema comprises a different taxonomy than the taxonomy of the source schema*, at least the source schema further comprising a *product ontology* associated with one or more of the classes, each product ontology *comprising one or more product attributes*; and**

**associate one or more source classes of the source schema with one or more target classes of the target schema; and**

***an ontology generation module operable to generate a product ontology for each of the target classes based on the product ontologies of the associated source classes*. (Emphasis added)**

Independent Claims 9, 17, and 25-28 recite similar limitations. *Vedula* fails to disclose each and every limitation of independent Claims 1, 9, 17, and 25-28.

The Applicant respectfully submits that *Vedula* fails to disclose, teach, or suggest amended independent Claim 1 limitations regarding an ***"electronic commerce system for translating between one or more schemas"*** and in particular *Vedula* fails to disclose, teach, or suggest amended independent Claim 1 limitations regarding ***"a global content directory* for providing a plurality of buyers access to one or more seller databases" or *"a schema translation tool* coupled to the global content directory".**

Thus, the Applicant respectfully submits that the equations forming the foundation of the Examiner's comparison between *Vedula* and amended independent Claim 1 cannot be made. The Applicant further respectfully submits that these distinctions alone are sufficient to patentably distinguish amended independent Claim 1 from *Vedula*.

### ***Vedula* Fails to Disclose, Teach, or Suggest Various Limitations Recited in Applicant's Dependent Claims 5, 13, and 21**

For example, with respect to dependent Claim 5, this claim recites:

5. The system of Claim 1, wherein the ontology generation module is further operable to generate a ***product ontology*** for a target class ***by determining the intersection of the product attributes*** included in the product ontologies of the associated source classes. (Emphasis Added).

Dependent Claims 13 and 21 recite similar limitations. *Vedula* fails to disclose each and every limitation of dependent Claims 5, 13, and 21.

The Applicant respectfully submits that *Vedula* fails to disclose, teach, or suggest dependent Claim 5 limitations regarding "wherein the ontology generation module is further operable to generate a ***product ontology*** for a target class ***by determining the intersection of the product attributes*** included in the product ontologies of the associated source classes". The Office Action alleges that *Vedula* teaches this limitation by mappings 16a and 16b in Figure 1. (30 March 2007 Final Office Action, Page 3). However, as stated in *Vedula*, the mappings are created by a user, using graphical mapping indicia (collectively 16). (Column 9, Lines 1-11). Thus, *Vedula* merely teaches that a user chooses the relationships between the products. However, *Vedula* does not disclose, teach, or suggest that an ontology generation module ***determines the intersection of product attributes***, as recited in dependent Claim 5. In addition, as argued above with regards to independent Claim 1, *Vedula* fails to teach an ontology generation module because, *inter alia* *Vedula* does not teach, suggest, or even hint at ***ontology generation***. Thus, the Applicant respectfully submits that the equations forming the foundation of the Examiner's comparison between *Vedula* and dependent Claim 5

cannot be made. The Applicant further respectfully submits that these distinctions alone are sufficient to patentably distinguish dependent Claim 5 from *Vedula*.

#### ***Vedula Fails to Disclose, Teach, or Suggest Various Limitations Recited in Applicant's Dependent Claims 6, 14, and 22***

For example, with respect to dependent Claim 6, this claim recites:

6. The system of Claim 1, wherein the ***ontology generation module*** is further operable to ***generate a product ontology for a parent class of a plurality of target classes*** by determining the intersection of the product attributes included in the product ontologies of the target classes, ***the product ontologies of the target classes having been generated by the ontology generation module.*** (Emphasis Added).

Dependent Claims 14 and 22 recite similar limitations. *Vedula* fails to disclose each and every limitation of dependent Claims 6, 14, and 22.

The Applicant respectfully submits that *Vedula* fails to disclose, teach, or suggest dependent Claim 6 limitations regarding “wherein the ***ontology generation module*** is further operable to ***generate a product ontology for a parent class of a plurality of target classes*** by determining the intersection of the product attributes included in the product ontologies of the target classes, ***the product ontologies of the target classes having been generated by the ontology generation module***”. However, *Vedula* merely teaches that the target already has a defined ontology. In addition, because, *inter alia* *Vedula* teaches that the target already has a defined ontology, *Vedula* fails to teach, suggest, or even hint at “***generat[ing] a product ontology for a parent class of a plurality of target classes*** by determining the intersection of the product attributes”. Thus, the Applicant respectfully submits that the equations forming the foundation of the Examiner's comparison between *Vedula* and dependent Claim 6 cannot be made. The Applicant further respectfully submits that these distinctions alone are sufficient to patentably distinguish dependent Claim 6 from *Vedula*.

## **The Applicant's Claims are Patentable over the Proposed *Vedula-Official-Notice* Combination**

The Applicant respectfully submits that, for at least the reasons set forth above, amended independent Claim 1 is considered patentably distinguishable over the proposed combination of *Vedula* and the Examiner's Official Notice, either individually or in combination. With respect to amended independent Claims 9, 17, and 25-28 each of these claims include limitations similar to those of amended independent Claim 1. Thus, amended independent Claims 1, 9, 17, and 25-28 are considered patentably distinguishable over *Vedula* and the Examiner's Official Notice, either individually or in combination.

Dependent Claims 2-8, 10-16, and 18-24 depend from amended independent Claim 1, 9, and 17, respectively. As mentioned above, each of amended independent Claims 1, 9, and 17 are considered patentably distinguishable over *Vedula* and the Examiner's Official Notice. Thus, dependent Claims 2-8, 10-16, and 18-24 are considered to be in condition for allowance for at least the reason of depending from an allowable claim.

For at least the reasons set forth herein, the Applicant respectfully submits that Claims 1-28 are not rendered obvious by the proposed combination of *Vedula* or the Examiner's Official Notice. The Applicant further respectfully submits that Claims 1-28 are in condition for allowance. Thus, the Applicant respectfully requests that the rejection of Claims 1- 28 under 35 U.S.C. § 103(a) be reconsidered and that Claims 1-28 be allowed.

## **THE LEGAL STANDARD FOR OBVIOUSNESS REJECTIONS UNDER 35 U.S.C. § 103:**

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, ***there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.*** Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) ***must teach or suggest all the claim limitations.*** The teaching or suggestion

to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and **not based on applicant's disclosure**. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); M.P.E.P. § 2142. (Emphasis Added). Moreover, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); M.P.E.P. § 2143.03.

With respect to alleged obviousness, **there must be something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination**. *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561 (Fed. Cir. 1986). (Emphasis Added). In fact, the absence of a suggestion to combine is dispositive in an obviousness determination. *Gambro Lundia AB v. Baxter Healthcare Corp.*, 110 F.3d 1573 (Fed. Cir. 1997). The mere fact that the prior art can be combined or modified does not make the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990); M.P.E.P. § 2143.01. The consistent criterion for determining obviousness is whether the prior art would have suggested to one of ordinary skill in the art that the process should be carried out and would have a reasonable likelihood of success, viewed in the light of the prior art. Both the suggestion and the expectation of success must be founded in the prior art, not in the Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); *In re O'Farrell*, 853 F.2d 894 (Fed. Cir. 1988); M.P.E.P. § 2142.

A recent Federal Circuit case makes it clear that, in an obviousness situation, the prior art must disclose each and every element of the claimed invention, and that any motivation to combine or modify the prior art must be based upon a suggestion in the prior art. *In re Lee*, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002). Conclusory statements regarding common knowledge and common sense are insufficient to support a finding of obviousness. *Id.* at 1434-35.

**CONCLUSION:**

In view of the foregoing remarks, this application is considered to be in condition for allowance, and early reconsideration and a Notice of Allowance are earnestly solicited.

A Request for Continued Examination (RCE) is being filed in electronically herewith to facilitate the processing of this deposit account authorization. **The Director is hereby authorized to charge the \$790.00 RCE fee, to Deposit Account No. 500777.** Although the Applicant believes no additional fees are deemed to be necessary; the undersigned hereby authorizes the Director to charge any additional fees which may be required, or credit any overpayments, to **Deposit Account No. 500777.** If an extension of time is necessary for allowing this Response to be timely filed, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) to the extent necessary. Any fee required for such Petition for Extension of Time should be charged to **Deposit Account No. 500777.**

**Please link this application to Customer No. 53184 so that its status may be checked via the PAIR System.**

Respectfully submitted,

25 June 2007  
Date

/Steven J. Laureanti/signed  
Steven J. Laureanti, Registration No. 50,274

BOOTH UDALL, PLC  
1155 W. Rio Salado Pkwy., Ste. 101  
Tempe AZ, 85281  
214.636.0799 (mobile)  
480.830.2700 (office)  
480.830.2717 (fax)  
steven@boothudall.com

**CUSTOMER NO. 53184**